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HCR 137
REQUESTING AN ENVIRONMENTAL IMPACT STATEMENT FOR THE
EXPANSION OF KAHULUI AIRPORT

Statement for
House Committees on
Planning, Energy and Environmental Protection
and Transportation
Public Hearing - March 30, 1989

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HCR 137 would require the Department of Transportation (DOT) to prepare an Environmental Impact Statement pursuant to Chapter 343 HRS for the Kahului Airport on Maui.

Our statement on this resolution does not represent an institutional position of the University of Hawaii.

We strongly advocate that the DOT follow both the letter and intent of HRS 343 and the Environmental Impact Statement rules as prescribed in DOH Administrative Rules, Title 11, Section 200 in regard to expansion of the Kahului Airport. However, we are concerned that the legislative directive proposed by HCR 137 may be inappropriate. Responsibility for enforcement of EIS rules has been controversial ever since the 1983 revisions of Chapters 341 and 343, HRS. In addition, recent attorney general opinions have seriously reduced the ability of the Environmental Council to rule in such cases and legislative clarification of the Council's rule making and enforcement authority for HRS 343 is apparently needed. This particular issue calls into focus the issues raised in our earlier statements regarding the ability of the Environmental Council to issue Declaratory Rulings with regard to the application of the certain rules relative to Chapter 343 and the need for an administrative appeal procedure of an agency's determination. While we are concerned with the precedent of legislative initiation of specific EIS preparation, the particular issue now in question

is too serious to suggest a delay for legislative clarification of the Council's authority and we must strongly support the intent of this resolution. The environmental impacts of an airport expansion are very significant. The enlarging of a runway will permit the use of larger aircraft, can result in more passenger arrivals within a given time and will increase the need for more support facilities, including hotels, taxis, and public infrastructure. As in virtually all types of transportation projects, the environmental impacts are not limited to the specific area of development but go far beyond the immediate areas of construction, in this case the airport, and pose potentially significant effects to the community at large. The importance of identifying and evaluating the significance of these secondary impacts is statutorily acknowledged in HRS 343 and one of the key purposes of the EIS system.

The fifth 'whereas clause' makes reference to at least 15 negative declarations issued since 1978 concerning various development and expansion projects at the Kahului Airport. We have documented twenty-seven negative declarations issued for Kahului Airport from 1976 to 1989 (list attached). We are not suggesting that all of these should have triggered an Environmental Impact Statement, but these figures do reflect the number of actions that have taken place and are continuing to take place at this airport. Furthermore, if a comprehensive EIS had been prepared, the assessment of these multiple piece-meal projects and their extended and cumulative impacts would have been covered in the EIS in accordance with the statutory requirements.

We suggest that an additional "Be It Further Resolved" paragraph be added to indicate that no further construction contracts be awarded for Kahului Airport until such time as the comprehensive EIS is accepted.